IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 8158 of 2005

Between:

M/s. Indian Bank, Himayatnagar Branch,
rep by its Chief Manager, Himayatnagar, Hyderabad.

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation of Hyderabad,

Tank Bund, Hyderabad.
2 The Addl. Commissioner (Advt.) Advertisement Section,

M.C.H. Tank Bund, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS, declare the action of the respondents in treating the name board erected by the petitioner bank on its premises as advertisement within the meaning of Section 421 of Hyderabad Municipal Corporation Act and consequently demanding the advertisement fee vide the impugned Notice undated vide No. 11./012/ADVT/MCH/2004-2005, as illegal, arbitrary and violative of principles of natural justice and consequently set aside the impugned Notice issued by the 2nd respondent.

Counsel for the Petitioner: MR.P.SHIV KUMAR

Counsel for the Respondents: MR.RAMA RAO GHANTA

The Court at the stage of admission made the following:

HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.8158 OF 2005

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in treating the name board erected by the petitioner-bank on its premises as advertisement under Section 421 of Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act'), and consequently to declare the impugned notice undated No.11/012/ADVT/MCH/2004-2005, demanding advertisement fees, as arbitrary and illegal.

I have heard the learned counsel for the petitioner and the learned Standing Counsel Sri Ghanta Rama Rao appearing for the respondents.

The learned counsel for the petitioner contends that the name board erected in the premises of the petitioner-bank is not a sky sign or an advertisement, and therefore, Sections 420 and 421 of the Act do not attract. Thus, according to the learned counsel, the petitioner is not liable to pay the advertisement fees as demanded under the impugned notice.

Since admittedly the said objection raised by the petitioner has not been considered by the respondents before issuing the impugned demand notice, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to submit its explanation raising all the objections as are available under law treating the impugned demand notice as a show cause notice. If any such explanation is submitted by the petitioner within four weeks from today, the respondents shall consider the same and pass appropriate orders afresh in accordance with law. Till such orders are passed, the impugned notice shall not

be given effect to.

The Writ Petition is accordingly disposed of. No costs.

G.ROHINI, J

13th April, 2005

Note:

Furnish CC by three days.

B/o.

SKM

To

1 The Commissioner, Municipal Corporation of Hyderabad,

Tank Bund, Hyderabad.

2 The Addl. Commissioner (Advt.) Advertisement Section,

M.C.H. Tank Bund, Hyderabad.

3 Two C.D. copies.

*Form-NIC-OGS/WP{**RLD**}*